

Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Howard Reed

Howard Reed
Director
Resource Assessments

Sydney *19th October* 2017

SCHEDULE 1

The development consent (SSD 6624) for the Sly's Quarry Expansion Project, granted by the Executive Director, Resource Assessments and Compliance, as delegate of the Minister for Planning on 5 May 2016.

SCHEDULE 2

1. In the List of Definitions, delete the term "DRE" and its definition and insert the following in alphabetical order:

DRG	Division of Resources and Geoscience, within the Department
PHUP	Woolgoolga to Ballina Pacific Highway Upgrade Project
SEE (Mod 1)	Statement of Environmental Effects titled 'SSD 6624 – Sly's Quarry Expansion Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo – Modification Application, dated July 2017 and prepared by GHD.

2. Delete all references to "DRE" and replace with "DRG".
3. In condition 2(a) of Schedule 2, after the word "EIS" insert the words "and SEE (Mod 1)".
4. In condition 7 of Schedule 2, replace the word "calendar" with "financial".
5. Delete condition 8 of Schedule 2, and replace with:
 8. The Applicant:
 - (a) must not transport more than 500,000 tonnes of quarry products from the site during any financial year;
 - (b) must not receive more than 10,000 tonnes of topsoil and 5,000 m³ of mulch during any financial year;
 - (c) must not receive or dispatch more than 125 laden trucks from the site on any day, except as specified in paragraph (d) below; and
 - (d) may receive or dispatch up to 150 laden truck from the site on any day until completion of the PHUP, unless otherwise agreed by the Secretary.

Note: Dispatch of laden trucks is also controlled under condition 1 of Schedule 3.

- 8A. Following completion of the PHUP, should the Applicant wish to continue trucking rates in accordance with condition 8(d) of this Schedule, the Applicant must prepare a Traffic Impact Assessment to the satisfaction of the Secretary. This must:
 - (a) be prepared in consultation with RMS and Council;
 - (b) include a detailed assessment of the potential impacts of project-related traffic on the capacity, safety and efficiency of the intersection of Tullymorgan-Jackybulbin Road and the Pacific Highway;
 - (c) demonstrate that this intersection could operate at a control delay level of no less than Level of Service C in accordance with *Traffic Modelling Guidelines (RMS, 2013)*, or most recent version; and

- (d) include a program to review and report on the control delay level of the intersection, to ensure that a control delay level of no less than Level of Service C is maintained.

If a control delay level of Level of Service C cannot be met, the Applicant must reduce trucking rates to the rates specified in condition 8(c) of this Schedule.

- 6. Delete condition 19 of Schedule 2 and replace with:

19. The Applicant must pay to Council an annual financial contribution toward the maintenance of Tullymorgan-Jackybulbin Road. The contribution must be determined in accordance with the *Maclean Shire Council S.94 Contribution Plan for Maintenance of Quarry Roads, November 1994*, or any subsequent relevant contributions plan adopted by Council. The annual contribution must be paid to Council prior to 31 July each year and reported in the Annual Review required in condition 9 of Schedule 5.

- 7. After condition 19 of Schedule 2, insert the following:

COMPLIANCE

20. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

- 8. After condition 1 of Schedule 5, insert the following:

Evidence of Consultation

1A. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:

- (a) consult with the relevant public authority prior to submitting the required document to the Secretary for approval;
- (b) submit evidence of this consultation as part of the relevant document;
- (c) describe how matters raised by the authority have been addressed and any matters not resolved; and
- (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Applicant.

- 9. In condition 5 of Schedule 5:

- a) at the beginning of the second paragraph insert the words "The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time."
- b) after the second paragraph insert the following:

While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.

If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

- 10. In condition 6 of Schedule 5:

- (a) delete the word "and" at the end of after sub-paragraph (b);
- (b) delete all words after sub-paragraph (b) and replace with:
 - (c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
 - (d) implement remediation measures as directed by the Secretary; to the satisfaction of the Secretary.

- 11. In condition 7 of Schedule 5, delete the words "Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version" and replace with "Department's *Community Consultative Committee Guidelines, November 2016* (or its latest version)."

- 12. Delete condition 8 of Schedule 5 and replace with:

8. The Applicant must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
- 8A. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify and non-compliance with this consent.
13. In condition 10 of Schedule 5, delete the word "EIS" and replace with "documents listed in condition 2(a) of Schedule 2".
14. In condition 11 of Schedule 5:
 - (a) after the word "commission", insert the words "; commence";
 - (b) delete the "and" at the end of sub-paragraph (d);
 - (c) delete the full stop at the end of sub-paragraph (e) and replace with "; and"
 - (d) after sub-paragraph (e), insert the following:
 - (f) be conducted and reported to the satisfaction of the Secretary.
15. In condition 12 of Schedule 5:
 - (a) delete the words "6 weeks of completion of" and replace with "12 weeks of commencing"; and
 - (b) at the end of the sentence, insert the following:

"The Applicant must implement these recommendations, to the satisfaction of the Secretary."
16. Delete Appendix 2 and replace with:

APPENDIX 2 DEVELOPMENT LAYOUT

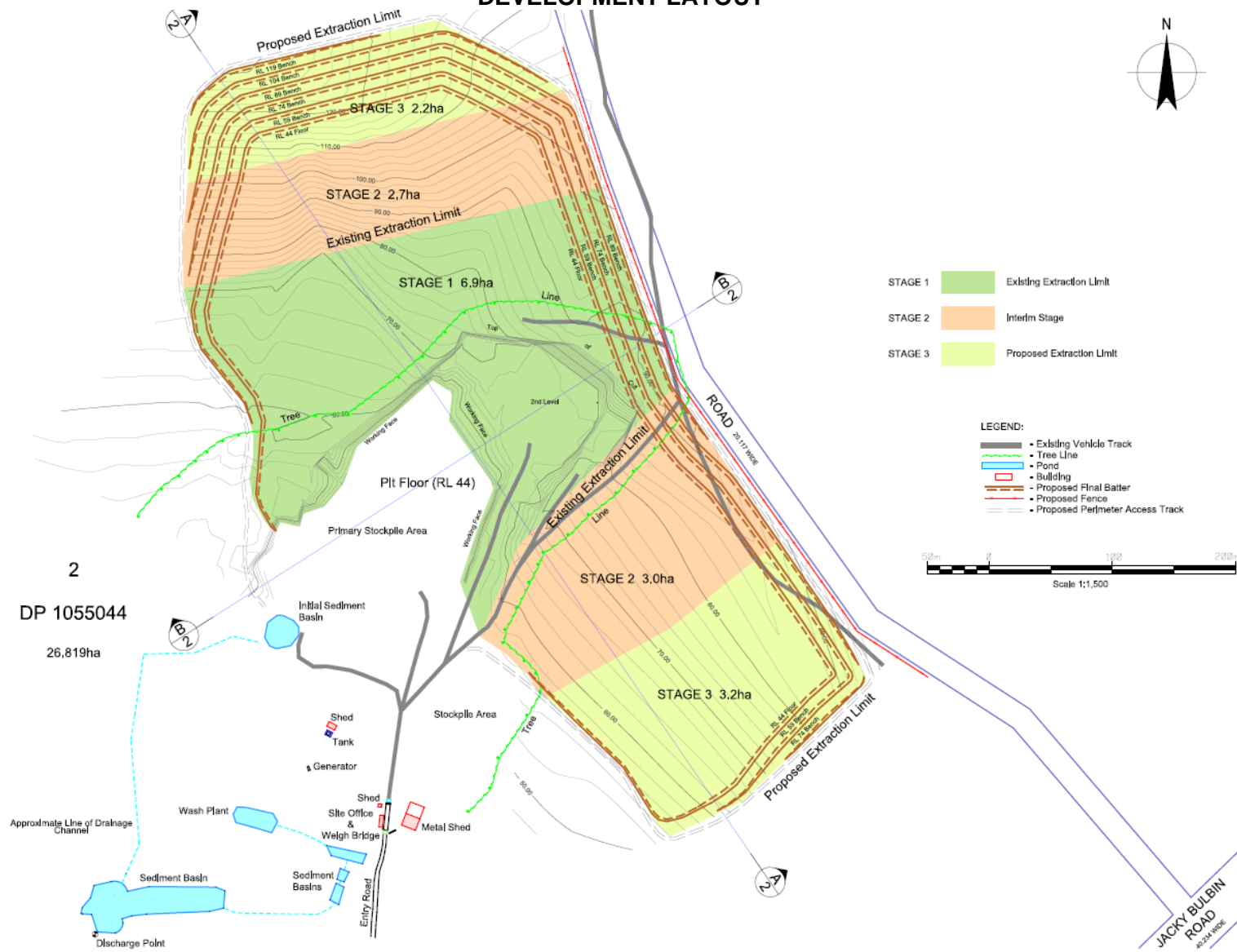
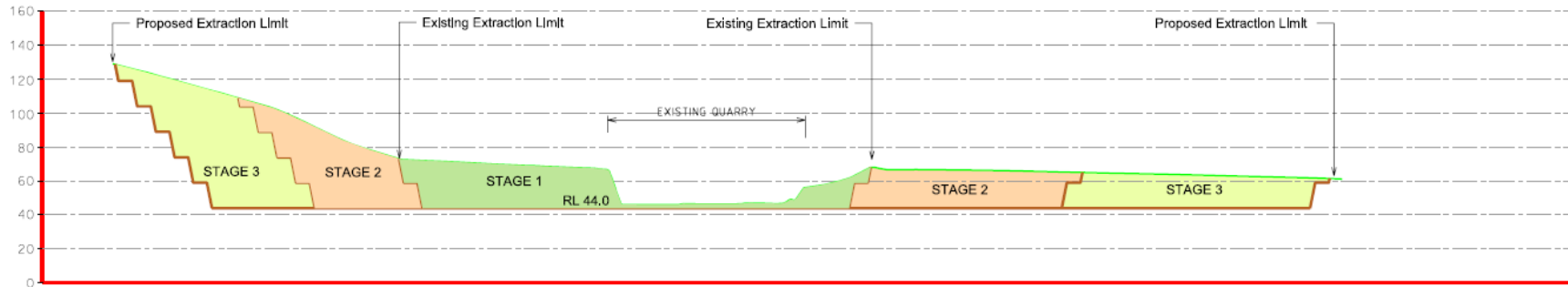
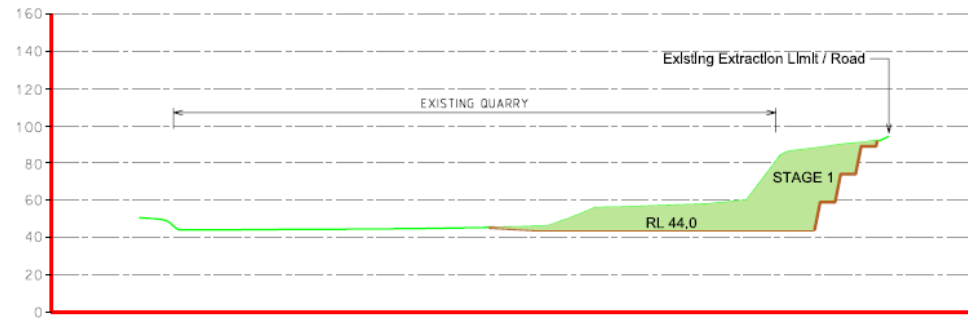


Figure 3: Stages of Extraction



SECTION A - A



SECTION B - B



Figure 4: Depth of Extraction